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12.5.93

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

RA No.136/93 in
OA No.1900/87

Date of decision:

Sh.I.P.Aggarwal

...

Review Applicant

versus

Union of India & ors.

..

Respondents

CORAM: THE HON'BLE MR.P.C.JAIN, VICE-CHAIRMAN(A)
THE HON'BLE MR.J.P.SHARMA, MEMBER(J)

ORDER

(BY HON'BLE MR.J.P.SHARMA, IN CIRCULATION)

The Review Applicant filed OA 1900/87 which was disposed of vide judgement dated 8.1.93. The review is sought on the ground that in the OA the applicant had also prayed for grant of relief regarding his age of superannuation to be 60 years as it is in the case of Principals of the schools.

2. The Review Applicant has taken a number of grounds from Para A to Para K but none of these grounds except ground in Para B has any substance. These grounds only narrate certain facts and do not point out any error apparent in the judgement or non-consideration of any material fact which may have escaped notice of the Bench. In fact, it is admitted by the counsel of the Review Applicant as averred in paragraph 5 on page 5 of the Review Application that the learned counsel did not press this relief during the course of the arguments under the impression that the relief would be granted in the event the applicant is allowed stagnation increment on the same pattern as has been admissible to the Principals of the schools. In view of this categorical averment in the RA, the Review Applicant cannot reopen the case for pressing the relief which

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had not been pressed earlier.

3. A perusal of the judgement goes to show that in view of the statement at the Bar of the learned counsel for the applicant, the relief regarding age/^{of} retirement/ superannuation of the applicant has not been considered as the same had not been pressed during the course of the arguments.

4. In view of the above facts and circumstances the applicant cannot be allowed to reopen the case and the Review Application is not covered by the provisions of Order 47 Rule 1, CPC read with Section 22(3)(f) of the Administrative Tribunals Act, 1985. The RA is, therefore, dismissed as devoid of merit-
in circulation.

J. P. Sharma
(J.P. SHARMA)
MEMBER(J)

P. C. Jain
(P.C. JAIN)
VICE-CHAIRMAN(A)

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